bequests such circumstance in itself affords no ground for inference that he used them as equivalent; the presumption rather being that he used them with intelligent discrimination to indicate his exact purpose." See also *Nightingale* v. *Shelden,* Fed. Cas. 10,265, 5 Mason 336; *Clark* v. *Mosely,* 1 Rich. Eq. 396, 44 Am. Dec. 229. The general scheme of the will clearly contemplates an equal distribution of the entire estate between all of the testator's children, as far as practicable. Had the word "heirs" been construed to mean "children" the purpose of the testator would have been defeated.

WILLS—HOLOGRAPHIC—STATUTORY REQUIREMENTS—DATING.—The instrument which purports to be the holographic will of Horace A. Noyes, was written upon a letterhead of the deceased, on which the following printed words appear: "H. A. Noyes, Dealer in Wines, Liquors, and Cigars, Laurel, Mont., ... 190....". These blanks were filled in in the handwriting of the testator so as to make the date, Feb. 23, 1903. Sec. 4727 of the Revised Codes of Montana declares: "A holographic will is one that is entirely written, dated, and signed by the hand of the testator himself. It is subject to no other form, * * * and need not be witnessed." *Held,* that the instrument was without date and hence invalid as a will. *In re Noyes Estate,* and *Noyes* v. *Gerard* (1909), — Mont. —, 105 Pac. 1017.

An instrument, complete in every other respect, but without date is invalid as a holographic will. *Estate of Martin,* 58 Cal. 530. Filling in the blanks in a printed form is not sufficient. *Estate of Rand,* 61 Cal. 468, 44 Am. Rep. 555. It must be entirely written, entirely dated, and entirely signed by the testator himself. *Estate of Billings,* 64 Cal. 427, 1 Pac. 701. An erroneous date, in the handwriting of testator, will not invalidate it. *Estate of Fay,* 145 Cal. 82, 78 Pac. 340, 104 Am. St. Rep. 17. So also, the testator may adopt any date, previously written by himself, as the date of his will. *Estate of Clisby,* 145 Cal. 407, 78 Pac. 964, 104 Am. St. Rep. 58. But a dating is not sufficient if it omits either the day, the month, or the year. *Fuentes* v. *Gaines,* 25 La. Ann. 85. In one Pennsylvania case a will, dated only Mar. 4, was upheld. Whether or not this was a sufficient dating was not considered, the case turning entirely on the question of the capacity of the testator. *Estate of Sullivan,* 130 Pa. St. 342. There are cases whose reasoning would seem to establish that the requirement of dating is directory rather than mandatory. *Estate of Fay,* supra; *Estate of Clisby,* supra; *In re Skerrett,* 67 Cal. 585, 8 Pac. 181; *Gaines* v. *Lizardi,* 9 Fed. Cases 1043, No. 5175. The true rule would seem to be, however, that the requirement of dating is as much mandatory as that of signing and the "year" printed or written by another is not a date in the handwriting of the testator, which is made the essential of a valid holographic will. *Fuentes* v. *Gaines,* supra; *Succession of Robertson,* 49 La. Ann. 868, 21 South. 586, 62 Am. St. Rep. 672; *In re Plumel's Estate,* 151 Cal. 77, 90 Pac. 192, 121 Am. St. Rep. 100.

WITNESSES—SCOPE OF CROSS-EXAMINATION—LIMITED TO SUBJECT MATTER OF EXAMINATION IN CHIEF.—The lower court, in an action to recover damages for personal injury, sustained an objection to a question, asked of a

witness on cross-examination, concerning a matter which had not been touched upon in the direct examination. *Held,* that the testimony was properly excluded, as the cross-examination is limited to the subject matter of the examination in chief. *Seifert* v. *Schaible* (1909), — Kan. —, 105 Pac. 529.

There is a well known and well defined conflict of authority on the question as to what are the proper limits of the cross-examination. According to the weight of authority in the United States, the cross-examination must be confined to those matters upon which the witness was examined in chief. Courts which follow this rule, hold that if the party wishes to make inquiry as to matters not touched upon in the direct examination, he can do so only by making the witness his own and calling him as such. The application of this rule, which is sometimes called the American rule, is shown by the following authorities: 8 ENCYC. OF PL. AND PR. 102; *G. T. W. Ry. Co.* v. *Reddick,* 160 Fed. 898; *Stone* v. *White,* 55 Fla. 510; *People* v. *Manasse,* 153 Cal. 10; *Cit. S. L. & B. Ass'n* v. *Weaver,* 127 Ill. App. 252; *Eacock* v. *State,* 169 Ind. 488; *Baker* v. *Mathew,* 137 Iowa 410; *Atchison* v. *Rose,* 43 Kan. 605; *State* v. *Taylor,* 45 La. Ann. 1303; *McCormick* v. *Gliem,* 13 Mont. 469; *Mordhorst* v. *Neb. Tel. Co.,* 28 Neb. 610; *Willis* v. *Lance,* 28 Ore. 371; *People* v. *Thiede,* 11 Utah 241; *Stiles* v. *Estabrooks,* 66 Vt. 353; *Perrin* v. *State,* 81 Wis. 135; *Tourtelotte* v. *Brown,* 1 Colo. App. 408; *Griffith* v. *Diffenderffer,* 50 Md. 466; *Ross* v. *M. etc. R. Co.,* 102 Minn. 249; *Washington* v. *State,* 17 Tex. Ct. of App. 197; *Denniston* v. *Philadelphia Co.,* 161 Pa. St. 41; *Wendt* v. *Chi. etc. R. Co.,* 4 S. Dak. 476; *Nash* v. *McNamara,* — Nev. —, 93 Pac. 405; *State* v. *Zeilman,* 75 N. J. L. 357. According to what is known as the English rule, a witness on cross-examination, may be examined as to every issue in the case, regardless of whether it was a subject of inquiry on the direct examination or not. This rule is followed in a number of the American states, including Michigan. 8 ENCY OF PL. AND PR. 102; *Ireland* v. *C. etc. Ry. Co.,* 79 Mich. 163; *H. B. L. etc. Ry. Co.* v. *Corpening,* 97 Ala. 681; *News Pub. Co.* v. *Butler,* 95 Ga. 559; *Blackington* v. *Johnson,* 126 Mass. 21; *Walter* v. *Hoeffner,* 51 Mo. App. 46; *Dillard* v. *Samuels,* 25 S. C. 318; *Smith* v. *Atl. etc. Ry. Co.,* 147 N. C. 603; *Mask* v. *State,* 32 Miss. 405.